

Atty. Docket No. 426989

REMARKS

Claims 1-30 are pending in the application. Claims 17 and 18 are canceled. Claims 1, 11, 12, 13, 15, 16, 19, 21, 27 and 29 are currently amended.

The claims are directed towards a strand jewelry device and a method of using the device. A band is fixedly attached to the strand. Claims 1 and 16 have been amended to recite an ornament having an opening of greater circumference than the outer circumference of the band. This opening permits passage of the ornament over the band. A keeper is configured for reversible attachment over the band, and interacts with the band to restrict the movement of the ornament. This type of arrangement is described, for example, in paragraphs 44 and 46 of the application as filed and is shown in Fig. 4. Claim 29 has been amended to address these concepts in a different scope as a means. Claim 11 has been amended to correct the antecedent for "hinged" keeper. Claims 12 and 15 have been broadened and now refers to --ornaments--, as opposed to "beads". Claim 13 has been amended to delete the word "engaging." Claims 17 and 18 have been canceled in favor of the amendments to claim 1. Claim 19 has been amended to change the dependency thereof and to correct an antecedent due to the amendments to claim 16. Claim 21 has been amended to change the dependency due to the cancellation of claim 18.

The examiner finds that claims 12-14 are allowed and claims 5-7, 15, 18-21 and 26-28 would be allowable if rewritten in allowable form. The present amendments include amendments to claims 12 and 13, but these do not materially alter the patentable nature of these claims. Although claims 17 and 18 are cancelled, the general concepts of former claim 18 have now been incorporated into each of claims 1, 16, and 29; however, it will be appreciated that these claims respectively each present a different scope with regard to these concepts.

Claims 1, 2, 8, 10, 29 and 30 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,907,322 issued to Kanno. Kanno does not teach or suggest a keeper and a band where the bead (now broadened to "ornament") is free to pass over the band but is restrained by a selectively attached keeper. The amended claims now emphasize this distinction. Kanno shows a keeper that locks onto a

Page 7 of 8

Amendment to Application Serial No. 10/623,641 entitled
Necklaces and Bracelets With Keepers

Atty. Docket No. 426989


wire 16 to form a loop by the action of a set screw 12 or 22 laterally compressing the wire. The set screw is retained in a barrel housing 12 or a threaded barrel housing 24. This type of arrangement does not describe the type of interaction that is presently claimed, where the keeper resides over the band to restrict movement of the ornament, for example, by abutment. Accordingly, the claims are allowable over Kanno.

Claims 1, 3, 4, 9, 11, 16, 17, 22-25, 29 and 30 stand rejected under 35 U.S.C. §102(b) over United States Patent No. 3,983,716 issued to Kuhn. Kuhn does not teach or suggest a keeper and a band where the bead (now broadened to "ornament") is free to pass over the band but is restrained by a selectively attached keeper. The amended claims now emphasize this distinction. Kuhn shows a hinged clasp 62 that is used to join opposed ends of the strand. The examiner has construed the "band" as element 28, which is a funnel-shaped piece pointing into the adjacent bead and is secured with a knot; however, this does not interact with the keeper as is claimed. Furthermore, the element 28 functions as the claimed "connector" (see claim 1) and if Kuhn is construed to make this a "keeper," as the Office has done, then Kuhn is without the claimed "connector."

Applicant's attorney believes that the claims are in allowable condition, and respectfully solicits a Notice of Allowance. If any additional fee is due, please charge Deposit Account No. 12-0600.

Respectfully submitted,

By:


Dan Cleveland, Jr. 36,106
LATHROP & GAGE L.C.
4845 Pearl East Circle, Suite 300
Boulder, CO 80301
Telephone: (720) 931-3012
Facsimile: (720) 931-3001

Page 8 of 8

Amendment to Application Serial No. 10/623,641 entitled
Necklaces and Bracelets With Keepers